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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.1008 OF 2004

Mrs.Mandakini Shrivsinh Rajeshirke Appellant
versus
The Pune Municipal Corporation Respondent

Ms.Smita Gaidhani for appellant.

Mr.R.M.Pethe i/by Mr.R.G.Ketkar for respondent.

CORAM : DR.D.Y.CHANDRACHUD, J.

DATE : 09TH JULY 2007

PC :

1. The Appellate Court has come to the conclusion that save and except the garage, the other work which was carried out by the Appellant was unauthorised and that action had therefore been validly initiated under section 260 of the Bombay Provincial Municipal Corporations Act, 1949. No permission was taken from the Municipal Corporation for enclosing the parking space and for carrying out other work (save and except with regard to the garage which as noted above has been permitted under the order of the Appellate Court). The Appellate Court has duly considered

MST

the sanctioned plan at Exhibit-18. The Corporation has followed due procedure by issuing a notice and considering the cause shown before issuing a final intimation under section 260(2) on 26th October 1994.

2. The learned counsel appearing on behalf of the Appellant states that the Appellant would apply for regularisation of the unauthorised construction. It is clarified that the present order shall not come in the way of the Municipal Corporation considering such a request in accordance with law.

3. No substantial question of law arises in the appeal. There is no merit in the Second Appeal. It is accordingly dismissed.

4. In view of dismissal of the Second Appeal, Civil Application No.1107 of 2003 does not survive and is accordingly dismissed.

(DR.D.Y.CHANDRACHUD, J.)